

# INTERNATIONAL ASSOCIATION

FOR THE

## Promotion of Child Welfare.

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SECTION DEALING WITH LEGISLATION.

**No. 43**

**DENMARK.**

**TABULATED ARRANGEMENT.**

**Heading IV : Guardianship.**

**(a) The appointment and powers of Guardians.**

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## DANMARK

Lov af 12 Juni 1922, om Værgeraadsforsorg  
m. m., Vedtaget i begge Ting og kundgjort  
den 12 Juni 1922.

### KAPITEL I.

#### Værgeraadsinstitutionen.

##### § 1.

Hver Kommune danner en Værgeraadskreds, dog kan Justitsministeren efter Kommunalbestyrelsens Indstilling dele en Købstad med mindst 10 000 Indbyggere eller en Landkommune i flere Værgeraadskredse.

##### § 2.

1. Værgeraad i Landkommuner bestaar af 5 Medlemmer, der vælges af Kommunalbestyrelsen, nemlig mindst 1 Medlem af Kommunalbestyrelsens Midte og de øvrige Medlemmer blandt de i Værgeraadskredsen bosatte Personer jfr. § 7, valgte for 4 Aar, regnet fra den efter Kommunalbestyrelsesvalget følgende 1. April.

2. Samtlige Medlemmer i hver Værgeraadskreds vælges under eet efter Reglerne for Forholdstalsvalg (D'Hondts Metode).

3. Samtidig med Valg af Værgeraadsmemberer og efter samme Regler vælges tillige et tilsvarende Antal Suppleanter.

##### § 3.

1. Værgeraad i Købstæder, herunder Frederiksberg og Marstal

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## DENMARK.

Law of June 12, 1922, dealing with the Activities of Tutelary Councils, &c., adopted by the two Chambers and promulgated, June 12, 1922 (1).

### CHAPTER I.

#### Dealing with the Establishment of Tutelary Councils.

##### ARTICLE 1.

Every commune shall establish a tutelary council district; nevertheless the Minister of Justice may at the suggestion of the communal administration divide any provincial town of at least 10,000 inhabitants or any rural commune into several tutelary council districts.

##### ARTICLE 2.

1. In rural communes the tutelary council shall be composed of five members, chosen by the communal administration, one member of the said tutelary council, at least, shall be a member of the aforesaid administration, whilst that the others shall be chosen from amongst persons who are domiciled in the tutelary council district (comp. Art. 1). These members are to be appointed for a term of four years, counting from the first day of April, following upon the election which the communal council shall have held.

2. All the members for a tutelary council district shall be elected at one and the same time according to the principles of proportional representation (D'Hondt's system).

3. At the same time as the members of the tutelary council are elected, there shall be elected, on the same lines, a corresponding number of deputy members.

##### ARTICLE 3.

1. In the towns, including Frederiksberg and the commercial

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(1) Translated by the International Association for the Promotion of Child Welfare.



Handelsplads, bestaar af 7 Medlemmer, der vælges af Kommunalbestyrelsen efter følgende Regler :

*a.* 1 Medlem, der skal opfylde Betingelserne for at kunne ansættes i et Dommerembede eller for at faa Beskikkelse som Sagfører.

*b.* 6 Medlemmer blandt de i Værgeraadskredsen bosatte Personer, jfr. § 7.

2. De under *b.* nævnte Medlemmer vælges efter Reglerne for Forholdstalsvalg, og for saa vidt en Købstad er delt i flere Værgeraadskredse, vælges samtlige Medlemmer, hver Gruppe for sig, under eet efter disse Regler.

3. Samtlige Valg gælder for 4 Aar, regnet fra den efter Byraadsvalget følgende 1. April.

4. Samtidig med Valg af Værgeraadsmedlemmer og efter samme Regler vælges saa vidt muligt tillige et tilsvarende Antal Suppleanter.

5. Viser det sig i en Købstad vanskeligt at danne Værgeraad efter Reglerne i nærværende Paragraf, kan Justitsministeren tillade, at Værgeraadet dannes efter Reglerne i § 2. Saadanne Værgeraad ligestilles i denne Lov med Landværgeraad.

#### § 4.

De i §§ 2 og 3 omhandlede Værgeraad vælger selv deres Formand og Næstformand.

#### § 5.

1. København deles i indtil 20 Værgerekredse, saaledes at hver Kreds saa vidt muligt afrundes efter vedkommende Kvarters Forhold og faar et Indbyggerantal af ca. 30 000. Justitsministeren foretager Delingen efter Indstilling af Københavns Kommunalbestyrelse.

2. Efter Indstilling af Værgeraadet kan Justitsministeren foretage Ændringer Værgerekredsens Fordeling og formindske eller forøge Antallet af Værgerekredse ogsaa udover det i første Stykke nævnte Antal.

#### § 6.

1. Værgeraadet i København bestaar af en Formand, en Næstformand og fire Gange saa mange Medlemmer, som der er Værgerekredse, samt yderligere fire Medlemmer.

district of Marital, the tutelary council shall be composed of seven members, elected by the communal administration in accordance with the following rules :—

(a) One member who is qualified to be appointed as a magistrate or to practise as an advocate;

(b) Six members chosen from amongst persons domiciled in the tutelary council district.

2. The members mentioned under (b) shall be elected according to the principles of proportional representation, and when a town is divided into several tutelary districts, all the members shall be elected at one and the same time and in accordance with the same principles, but each district separately.

3. The time for which a member is to serve is for a period of four years, reckoning from the first day of April following upon the election held by the municipal council.

4. At the same time as the members of the tutelary council are elected the election of an equal number of deputy members shall take place on the same lines, and, as far as possible, simultaneously.

5. In a town should there be any difficulty as to the forming of the tutelary council on the lines laid down in the present article, the Minister of Justice may allow the tutelary council to be formed according to the rules laid down in Article 2. A tutelary council so formed is for the purposes of the present Law to be considered as a rural council.

#### ARTICLE 4.

The tutelary councils referred to by Articles 2 and 3 choose their own president and vice-president.

#### ARTICLE 5.

1. The City of Copenhagen shall be divided into 20 tutelary districts so that the limits of each district may be marked out according to the boundaries of the town section (or ward) and contain about 30,000 inhabitants. The Minister of Justice shall proceed to settle these boundaries on the suggestion of the municipal administration of Copenhagen.

2. Acting on the suggestion of the tutelary council, the Minister of Justice may alter the boundaries of the tutelary districts, diminish the number or even increase the number to more than the figure specified in the first paragraph.

#### ARTICLE 6.

1. The Copenhagen tutelary council shall be composed of a president, a vice-president and four times as many members as there are tutelary districts, to which number of members four more members are to be added.

2. Formanden og Næstformanden, der skal opfylde Betingelserne for at kunne ansættes i et Dommerembede, beskikkes, efter indhentet Erklæring fra Københavns Kommunalbestyrelse, af Justitsministeren for et Tidsrum af 8 Aar. Der tillægges dem Løn som Landsdommere og Pension efter samme Regler som Statens Tjenestemænd. Ansættelse i de her omhandlede Stillinger ligestilles ved Beregning af Tjenesteaalder og Pensionsaalder med Ansættelse i Statens Tjeneste.

3. Københavns Borgerrepræsentation vælger under eet efter Forholdstal fire Gange saa mange Personer, jfr. § 7, som der er Værgekredse, saaledes at der vælges 4 Kredsværger for hver Værgekreds.

4. De for hver Værgekreds valgte Kredsværger skal saa vidt muligt bo i Kredsen. Ingen kan vælges til Kredsværge i mere end een Kreds.

5. De i 3die Stykke nævnte Valg gælder for 4 Aar, regnet fra den efter Valget følgende 1. April.

6. Samtidig med Valg af Værgeraadsmedlemmer og efter samme Regler vælges et tilsvarende Antal Suppleanter.

7. Naar Værgeraadvalg har fundet Sted, sammenkalder Formanden de i Henhold til 3die Stykke valgte Medlemmer til et Fællesmøde. Af Fællesmødet vælges efter Reglerne for Forholdstalsvalg 4 Medlemmer, der sammen med Formanden og Næstformanden danner et Forretningsudvalg. Saafremt et af de i Kredsene valgte Værgeraadsmedlemmer vælges til Forretningsudvalget, indtræder hans Suppleant som Medlem af Værgeraadet.

8. Der tillægges de valgte Medlemmer af Værgeraadets Forretningsudvalg et Honorar, der fastsættes af Justitsministeren efter indhentet Erklæring fra Københavns Kommunalbestyrelse.

#### § 7.

Valgbar til Værgeraad efter Reglerne i § 2, 1ste Stykke, § 3, 1ste Stykke b., og § 6, 3die Stykke, er enhver, som i Henhold til Grundloven har Valgret til Folketinget. Enhver valgbar er pligtig at modtage Valg i to efter hinanden følgende Valgperioder. Ingen, som er fyldt 60 Aar, er pligtig at modtage Valg.



2. The president and vice-president, each of whom is to be fully qualified to be able to act as a magistrate, are to be appointed for a term of eight years by the Minister of Justice acting on the motion of the Copenhagen Municipal Council. They are entitled to the same salary as that given to the judges of the Superior Provincial Court and to a pension computed according to the rules by which the pension of State officials are computed. As regards the computation of seniority and the granting of a pension, the functions in question carry the same rights as any other State appointment.

3. The Municipal Council of Copenhagen shall choose, according to the system of proportional representation, at one and the same time four times as many persons (conformably to Art. 7) as there are tutelary districts, so that there may be elected four district guardians for each tutelary district.

4. The district guardians, elected for each tutelary district, shall be, as far as possible, residents within such district. No one can be elected as a district guardian in more than one district.

5. The elections referred to in § 3 shall be for a term of 4 years, reckoning from the first day of April following upon the voting.

6. The election of a corresponding number of deputy members shall take place at the same time and in accordance with the same rules as the election of members of the tutelary council.

7. When the elections for the tutelary council shall have taken place, the president shall summon a meeting of the elected members in conformity with what is laid down in § 3. This assembly shall elect, according to the principles of proportional representation, 4 members, who together with the president and vice-president shall constitute an executive committee. Should one of the members of the tutelary council, who have been elected in the various districts, be chosen as a member of the executive committee, his deputy shall take his place to sit on the tutelary council.

8. The members who have been elected to sit on the executive committee of the tutelary council shall be entitled to be remunerated as fixed by the Minister of Justice acting on the motion of the Copenhagen Municipal Administration.

#### ARTICLE 7.

In virtue of the provisions of Article 2, § 1; of Article 3, § 1, *b*, and of Article 6, § 3; any one, who has a right to vote for the Folketing (Chamber of Representatives) in virtue of the Constitution, is eligible for election as a member of the tutelary councils.

Any person who is eligible shall be obliged to accept to serve as a guardian for two consecutive terms of office. Any one who has reached the age of 60 is not obliged to serve.

## § 8.

1. Hvervet som Medlem af Værgeraadet eller som Suppleant bortfalder, naar den paagældende ikke længere fyldestgør Betingelserne for at kunne vælges til Værgeraadsmedlem.

2. Suppleanterne træder i Medlemmernes Sted, naar disse er forhindret i at deltage i enkelte Møder eller ophører at være Medlemmer af Værgeraadet.

3. Opfylder Suppleanten i sidstnævnte Tilfælde ikke Betingelserne for at være Medlem af Værgeraadet, foretages nyt Valg saavel af Medlem som af Suppleant.

## § 9.

1. I København behandles og afgøres enhver Sag af et Udvalg, bestaaende af Formanden eller Næstformanden, to Medlemmer af Forretningsudvalget samt Kredsvergerne for den Vægekreds, hvorunder Sagen hører.

2. Enhver Sag skal forinden dens endelige Afgørelse være undersøgt af en eller flere af Kredsvergerne i Vægekredsen, jfr. § 23.

## § 10.

Mindst 2 Gange aarlig og i øvrigt saa ofte, som Forretningsudvalget eller  $\frac{1}{4}$  af Værgeraadsmedlemmerne ønsker det, afholder Værgeraadet i København Fællesmøde for samtlige Medlemmer. I de ordinære Møder aflægger Forretningsudvalget Beretning om Virksomheden siden sidste Møde, og Sager af særlig Betydning forhandles.

## § 11.

1. Til Værgeraadet i København knyttes et Kontor, der ledes af en juridisk uddannet Kontorchef, som, efter indhentet Erklæring fra Københavns Kommunalbestyrelse, beskikkes af Justitsministeren. Der tilkommer ham Løn som en Kontorchef af 1ste Grad i Ministerierne og Pension efter samme Regler som Statens Tjenestemænd. Ansættelse i denne Stilling ligestilles ved Beregning af Tjenesteaalder og Pensionsaalder med Ansættelse i Statens Tjeneste.

2. Kontorchefen er i sin Ledelse af Kontoret pligtig at rette sig efter Formandens (Næstformandens) Anvisninger.



## ARTICLE 8.

1. Any one who is a member or a deputy member of a tutelary council ceases to be so, whenever such party is no longer qualified for election as a member of the tutelary council.

2. Deputy members replace members when the latter are prevented from attending certain meetings or cease to be members of the tutelary council.

3. When in the latter case, the deputy member is no longer qualified to be a member of the tutelary council, fresh elections shall be held for the member as well as for the deputy member.

## ARTICLE 9.

1. As regards Copenhagen every case shall be examined and settled by a committee composed of the president or vice-president, of two members of the executive committee and of the guardians of the district whom the matter may concern.

2. Before any case is finally settled, one or more district guardians shall enquire into the case in the tutelary district itself (conformably to Art. 23).

## ARTICLE 10.

The Copenhagen tutelary council shall hold a general meeting at least twice a year and oftener whenever the executive committee or one fourth of the members of the council so wish it. At the ordinary meetings the executive committee reports on the work it has done since the last meeting and matters of special importance are dealt with.

## ARTICLE 11.

1. Attached to the Copenhagen council there shall be a bureau under the direction of a head clerk who has had a legal training, and who shall be appointed by the Minister of Justice, acting on the advice of the municipal administration of Copenhagen. He shall be entitled to receive a salary which shall be the same as that paid to a chief clerk (class 1) in a Government department, and to a pension calculated on the same scale as in the case of pensions given to functionaries of the State. As regards the computation of seniority and the granting of a pension, this post carries the same rights as any other State employment.

2. As regards the direction of the bureau, the head clerk in question shall be obliged to conform to the instructions of the president or vice-president.

3. Til Kontoret knyttes fornøden Medhjælp og sagkyndige, derunder mindst een fast Læge. De sagkyndige anvendes som raadgivende ved Sagernes Undersøgelse og Behandling.

§ 12.

1. Værgeraadet er beslutningsdygtigt, naar over Halvdelen af Medlemmerne er til Stede, deriblandt den fungerende Formand, i København over Halvdelen af det i § 9 omhandlede Udvalg, deriblandt Formanden eller Næstformanden. I Tilfælde af Stemmelighed gør Formandens Stemme Udslaget. Til en gyldig Beslutning om at fjerne et Barn endeligt fra Hjemmet eller om at fratage nogen Forældremyndigheden kræves for Landværgeraad, at mindst 4 Medlemmer, for Købstadværgeraad og Værgeraadet i København, at mindst 5 Medlemmer stemmer derfor.

2. Formanden sammenkalder Værgeraadet og leder dets Møder.

3. Naar Værgeraadet skal tage Beslutning om, hvorvidt et Barn skal fjernes endeligt fra Hjemmet, eller Forældremyndigheden fratages nogen, samt naar Vidner skal indkaldes og edfæstes, tilkalder Landværgeraadene Retskredsens Underretsdommer i borgerlige Sager til Deltagelse i Sagens Behandling.

4. Underretsdommeren yder Værgeraadet Vejledning med Hensyn til Lovens Forstaaelse, leder indtil Sagens Afslutning Undersøgelsen og deltager i den endelige Behandling, dog uden Stemmeret.

§ 13.

Værgeraadets Medlemmer samt Underretsdommeren nyder paa Tjenesterejser Befordringsgodtgørelse, derunder for egen Befordring, samt Dagpenge efter Regler, der fastsættes af Justitsministeren.

§ 14.

1. Overværgeraadet bestaar af :

a. En af Kongen efter Indstilling af Justitsministeren udnævnt Formand, der opfylder Betingelserne for at kunne blive Landsdommer;

3. The work of the bureau is to receive the assistance and advice of experts. Amongst such experts there shall be one doctor, at least, whose services are to be of a permanent character. Recourse shall be had to the opinion and advice of these experts in order to examine and manage different sorts of business.

#### ARTICLE 12.

1. Decisions taken by the tutelary council are valid provided that more than half the members are present, including the member who is presiding and at Copenhagen when more than half the members referred to in Article 9 are present, including the president and vice-president. In case the votes should be equally divided, the president shall have the casting vote. In order that a decision the ultimate effect of which would be the definite removal of a child from its home or the withdrawal of parental rights from any party, such decision in a rural tutelary council must be voted for by at least 4 members, and in urban tutelary councils and at Copenhagen by 5 members at least.

2. It shall be the president who shall summon the tutelary council and take the chair.

3. Should the tutelary council have to take a decision the effect of which would be the definite removal of the child from its home or the withdrawal of parental rights from any party, and if the witnesses have to be summoned and to give evidence on oath, the rural tutelary councils shall call upon the judge of the district court of first instance, dealing with civil cases, to take part in the proceedings connected with such case.

4. The judge of the court of first instance shall show the tutelary council how the law is to be interpreted; he shall regulate the holding of the enquiry until the case has been settled and shall take part in the final proceedings, but shall have no right to vote.

#### ARTICLE 13.

The members of the tutelary council and the judge of first instance are entitled to be indemnified for any outlay made for travelling in connection with their service, as well as for the use of any vehicle which they may be obliged to charter, and to an allowance calculated according to a scale drawn up by the Minister of Justice.

#### ARTICLE 14.

1. The central tutelary council shall be composed of :—

(a) A president appointed by the King on the advice of the Minister of Justice, and who must be fully qualified to become a judge of the superior provincial court;



- b.* Et af Justitsministeren valgt Medlem;
  - c.* To af Rigsdagen valgte Medlemmer;
  - d.* Overinspektøren for Opdragelseshjemmene.
2. De under *b.* og *c.* nævnte Medlemmer vælges for 4 Aar svarende til den for Værgeraad gældende Valgperiode.

3. De under *b.* og *c.* nævnte Medlemmer oppebærer et Honorar, der fastsættes ved Finansloven.

4. Til Vedtagelse af en gyldig Beslutning af Overværgeraadet kræves, at mindst 3 Medlemmer stemmer derfor.

#### § 15.

Overinspektionen for Opdragelseshjemmene udøves af en Kongen efter Indstilling af Undervisningsministeren udnævnt Overinspektør.

### KAPITEL II.

#### Børns Fjernelse fra Hjemmet.

#### § 16.

1. Værgeraadet kan, naar Hensynet til Barnets Velfærd kræver det, beslutte endelig Fjernelse fra Hjemmet af et Barn under 18 Aar, naar det :

*a)* Har vist sig at have en særlig vanskelig Karakter eller har udvist meget slet Opførsel;

*b)* Paa Grund af Forældres eller andre Opdrageres Lastefuldhed, grove Forsømmelighed eller Mangel paa Evne til at opdrage det findes at være udsat for sædelig Fordærvelse eller Vanrøgt eller;

*c)* Af Forældre eller andre Opdragere mishandles eller behandles saaledes, at dets sjælelige eller legemlige Sundhed eller Udvikling udsættes for alvorlig Fare.

2. Med Hensyn til Børn over kriminel Lavalder er det dog, bortset fra det i 3die og 4de Stykke bestemte, en Betingelse for Værgeraadets Indskriden som Følge af begaaede Forbrydelser, enten *at* Tiltalemyndigheden har frafaldet Tiltale, *at* Fuldbryrdelsen af en ikendt Straf ved Dominen er udsat, eller *at* Straffen helt eller delvis er eftergivet, alt paa Vilkaar, at Værgeraadsinstitutionen antager sig paagældende. Naar det kun drejer sig om strafbare Handlinger af en saa lidet alvorlig Karakter, at Værgeraadet skønner, at der ikke vil blive rejst Tiltale i Sagen, gælder den

- (b) A member chosen by the Minister of Justice;
  - (c) Two members chosen by the Rigsdag (Parliament);
  - (d) The inspector general of training schools.
2. The members mentioned under *b* and *c* shall be appointed for a period of 4 years to run concurrently with the length of time for which members of the tutelary council are entitled to sit.
3. The members under *b* and *c* shall be remunerated according to what is specified in the financial law.
4. For a decision of the central tutelary council to be valid it must be voted for by at least 3 members.

## ARTICLE 15.

The general inspection of training schools shall be carried out by an Inspector General appointed by the King on the advice of the Minister of Public Education.

## CHAPTER II.

**Removal of a child from its home.**

## ARTICLE 16.

1. The tutelary council may, should the child's welfare require it, decide that the child be definitively removed from its home, in cases when :—

(a) It is evident that the child is especially unmanageable and his behaviour is notoriously bad;

(b) In consequence of the unworthiness of, or of any gross neglect or inability to train the child shown by his parents or those responsible for his training, it is evident that the child is in danger of becoming depraved or of suffering from neglect;

(c) If he suffers from ill-treatment at the hands of his parents or others responsible for his training, or if he is treated in such a way that his moral or physical welfare or development is thereby endangered.

2. As regards children who have reached the age at which they are to be held responsible for their acts, the intervention of the tutelary council in consequence of offences committed by such children is contingent on one of the following conditions with the exception of what is laid down in §§ 3 and 4, that the judiciary authorities shall not have recourse to preventive imprisonment, that the punishment inflicted by a tribunal for an offence committed may be wholly or partly remitted. On the other hand the tutelary council must judge itself to have competence in the matter. If it is

anførte Betingelse imidlertid ikke, og Raadet kan derfor i disse Tilfælde begynde eller fortsætte Behandlingen af en Sag.

3. Selv om en ikendt Straf fuldbyrdes, kan Værgeraadet, naar Omstændighederne gør det ønskeligt, og navnlig efter Henstilling fra Fængselsmyndighederne, træffe Foranstaltninger efter denne Lov, dog at Beslutning herom maa være taget senest en Maaned efter Straffens Udtaaelse.

4. Er en strafferetlig Undersøgelse mod et Barn over kriminel Lavalder afsluttet med det Resultat, at Sagen skal forelægges for Justitsministeren med Indstilling om, at Tiltale frafaldes i Henhold til midlertidig Straffelov Nr. 63 af 1. April 1911 § 15, kan Værgeraadet træffe Beslutning om foreløbig Anbringelse af Barnet, indtil Justitsministerens Afgørelse foreligger.

#### § 17.

Beslutning i Medfør af § 16 kan Værgeraadet tage med Hensyn til ethvert Barn, der har fast Ophold her i Landet eller er hjemme-hørende her, uden Hensyn til, om det har Forsørgelsesret her i Landet. Kan dette sidste ikke antages at være Tilfældet, skal Værgeraadet, saafremt Anbringelsen antages at ville medføre Udgifter for det offentlige, straks gennem Opholdskommunen søge afgjort, om Barnet skal udsendes af Landet, eller Udgifterne vil kunne refunderes i Henhold til Lov om det offentlige Fattigvæsen Nr. 67 af 9. April 1891, § 27, jfr. Lov Nr. 117 af 27. Maj 1908, § 1. Værgeraadet er berettiget til at lade Barnet midlertidig anbringe, indtil det er afgjort, om Barnet vil være at udsende af Riget.

#### § 18.

Værgeraadet skal, naar slette økonomiske Forhold i Hjemmet skønnes at være den egentlige Aarsag til Barnets Vanrøgt, samt i øvrigt, naar det under en Sags Behandling viser sig, at Forældrene faar Hjælp af det offentlige, optage Forhandling med eller indhente Erklæring fra Kommunalbestyrelsen, forinden Beslutning træffes om, hvorvidt Barnet skal endelig fjernes fra Hjemmet. Bliver Resultatet af Forhandlingen, at Forsørgelsesvæsenet paatager sig at træffe de nødvendige Foranstaltninger til Forbedring af For-



a question only of offences of such a trifling nature that the tutelary council is of opinion that preventive imprisonment is unnecessary, the council may, without paying attention to the above-mentioned conditions, begin to examine the case, or continue the examination thereof.

3. Even should the punishment inflicted have been undergone, the tutelary council may, should circumstances require it, and more particularly at the suggestion of the penitentiary authorities, take measures in virtue of the present Law, but any decision to that effect must be taken one month at the latest after that the punishment has been undergone.

4. When an enquiry relative to any serious offence committed by a child, who has reached the age at which he is deemed to be responsible for such an act, results in the case being referred to the Minister of Justice, with a recommendation that recourse should not be had to preventive imprisonment in virtue of Article 15 of the Provisional Penal Law, No. 63 of April 1, 1911, the tutelary council may take a decision concerning the temporary placement of the child until the decision of the Minister of Justice be known.

#### ARTICLE 17.

The tutelary council may take a decision conformable to Article 16 with respect to any child who has a fixed domicile in the kingdom or is a native thereof without taking into consideration whether he has any claim to relief therein. Should the contrary appear to be the case, the tutelary council shall, should the public be likely to be put to any expense in connection with the placement of the child, without delay see that the commune where the child resides shall decide whether the child shall be sent out of the kingdom, or if the expenses may be recovered in virtue of the Law dealing with Public Relief, No. 67, of April 9, 1891, Article 27 (conformably to Law No. 117 of May 27, 1908, Art. 1). The tutelary council shall, in the meanwhile, be empowered to find a placement for the child, until it shall be decided whether the child is to be sent out of the kingdom or otherwise.

#### ARTICLE 18.

The tutelary council shall, when the poverty of the child's home seems to be the real cause of the child's neglected condition, or, on the other hand, when in the course of the enquiry into the case, it is ascertained that the parents are in receipt of relief, communicate with the communal administration, or request the aforesaid administration to furnish explanations, before taking any decision for the definitive removal of the child from his home. Should the communications persuade the public relief board to undertake that

holdene, og Værgeraadet som Følge heraf opgiver eller udsætter at fjerne Barnet, kan Værgeraadet dog under særlige Omstændigheder fratage Forældrene Forældremyndigheden over Barnet og efter Kommunalbestyrelsens eller vedkommende kommunale Udvalgs Anmodning overdrage Forsørgelsesvæsenet denne.

#### § 19.

1. Maa det antages, at et Barn, om hvis Fjernelse fra Hjemmet der er rejst Sag, eller som er under Værgeraadsforsorg, er aandssvagt, sindssygt, epileptisk, døvtumt, blindt eller tuberkuløst, skal Værgeraadet gennem Lægeundersøgelse, om fornødent efter forudgaaende Iagttagelse og efter en Specialists Bedømmelse, søge oplyst, om særlig Forsorg i den Anledning bør finde Sted, og i bekræftende Fald oversende Sagen til den Myndighed, der varetager denne særlige Forsorg, jfr. herved Lov om det offentlige Fattigvæsen Nr. 67 af 9. April 1891 § 61, saaledes som den er ændret ved Lov Nr. 122 af 29. Marts 1920.

2. Naar Hensynet til Barnets Velfærd kræver det, kan Værgeraadet beslutte, at et saadant Barn foreløbig skal fjernes fra Hjemmet, og hvis den Myndighed, der skal drage Omsorg for, at den paagældende Art af Forsorg paabegyndes, ikke straks faar denne iværksat, er Værgeraadet berettiget til at indsende Sagen til Overøvrigheden, som snarest muligt og senest inden 2 Maaneder skal meddele Værgeraadet, hvorledes Barnet skal overgaa til Særforsorg.

#### § 20.

1. Den Myndighed, hvem det paahviler at varetage Særforsorg som i § 19 anført, kan om fornødent kræve Værgeraadets Bistand til at bryde Modstand fra Forældres eller andres Side, derunder til midlertidig eller endelig at fratage dem Forældremyndigheden, saaledes at denne overtages af Værgeraadet eller overgives til vedkommende Myndighed.

2. Er et Barn undergivet Særforsorg som i § 19 anført, og Forældrene søger at indvirke forstyrrende paa Forsorgens Gennemførelse, kan Værgeraadet efter Anmodning af den Institution, der har Barnet under Forsorg, yde tilsvarende Bistand som i 1ste Stykke

*(To be continued.)*